

Notice of Allowability

Application No.

10/672,526

Examiner

Gregory W. Adams

Applicant(s)

DAVIS, JAMES DARRIN

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/16/07.
2. ☒ The allowed claim(s) is/are 19-27.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

Continued Examination

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 16, 2007 has been entered.

Examiners Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Stephen R. Matthews on July 26, 2007.

The application has been amended as follows:

Claim 19:

- line 7: "between ground level" has been rewritten as --between a deployed ground level--.
- line 8: "position an upright" has been rewritten as --position and an upright--.

- line 9: "axel" has been rewritten as --axle--.
- line 10: "axel" has been rewritten as --axle--.
- line 11: "said axel end and said opposite outer end, the axel" has been rewritten as --said axle end and said opposite outer end, the axle--.
- line 13: "between a deployed" has been rewritten as --between said deployed--.
- line 14: "axel" has been rewritten as --axle--.
- line 15: "and an upright position wherein the axel" has been rewritten as --and said upright position wherein the axle--.
- line 17: "axel ends at an obtuse angle such that the axel" has been rewritten as --axle ends at an obtuse angle such that the axle--.
- line 22: "support a deer" has been rewritten as --support said deer--.
- line 25: "said deployed position" has been rewritten as --said deployed position and--.
- line 30: "holding a deer" has been rewritten as --holding said deer--.
- line 34: "to allow a deer" has been rewritten as --to allow said deer--.
- line 36: "frame with a deer" has been rewritten as --frame with said deer--.
- line 39: "position with a deer contained" has been rewritten as --position with said deer contained--.

Claim 25:

- line 7: "between ground level" has been rewritten as --between a deployed ground level--.

- line 8: "position an upright" has been rewritten as --position and an upright--.
- line 9: "axel" has been rewritten as --axle--.
- line 10: "axel" has been rewritten as --axle--.
- line 11: "said axel end and said opposite outer end, the axel" has been rewritten as --said axle end and said opposite outer end, the axle--.
- line 13: "between a deployed" has been rewritten as --between said deployed--.
- line 14: "axel" has been rewritten as --axle--.
- line 15: "and an upright position wherein the axel" has been rewritten as --and said upright position wherein the axle--.
- line 17: "axel ends at an obtuse angle such that the axel" has been rewritten as --axle ends at an obtuse angle such that the axle--.
- line 22: "support a deer" has been rewritten as --support said deer--.
- line 25: "said deployed position" has been rewritten as --said deployed position and--.
- line 29: "holding a deer" has been rewritten as --holding said deer--.
- line 34: "to allow a deer" has been rewritten as --to allow said deer--.
- line 36: "frame with a deer" has been rewritten as --frame with said deer--.

Specification:

- page 6, line 9: "bottom axel 16" has been rewritten as --bottom axle 16--.
- page 6, line 11: "bottom axel 16" has been rewritten as --bottom axle 16--.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: Axel and axle are deemed equivalent. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

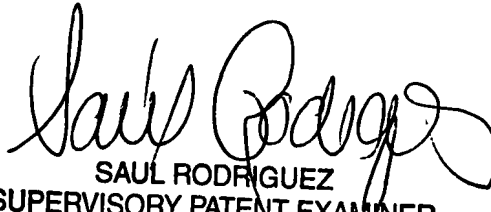
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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SAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER